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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sung Lee

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04/02/2008

Sung Lee
12 Fox Run Drive
Englewood, NJ 07631

EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,806	Applicant(s) LEE, SUNG	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 have been examined.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is too long. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-4, 6-14, 16-24, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (5,794,210) in view of Gardenswartz (6,055,573).

Claim 1, 2, 10, 11, 12, 20, 21, 22, 30: Goldhaber discloses a method, system, article of manufacture for rewarding a user of a Website, said method comprising the steps of:

awarding at least one credit to the user of the Website when the user satisfies a predetermined condition;

adding said at least one credit to a credit balance in an account, said account being assigned to the user;

storing said credit balance in a memory (col 7, lines 22-67; Fig. 7).

Goldhabder further discloses utilizing the Internet for advertising (col 3, lines 40-62).

Goldhaber does not explicitly disclose that the credit can be utilized toward telephone service minutes.

However, Gardenswartz discloses allowing the user to exchange a quantity of credits for a predetermined number of minutes of telephone service that can be utilized over a standard telephone system (col 14, line 50-col 15, line 5). Gardenswartz also discloses the utilization of the Internet for advertising (col 1, lines 28-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's utilizing reward credits for services to Goldhaber's reward credits. One would have been motivated to do this in order to provide a purpose for the reward credits that is attractive to the user.

Goldhaber further discloses that said credits may be redeemed to obtain a discount on the price of at least one good (col 3, lines 24-40; Fig. 13, item 312).

Gardenswartz further discloses that said credits may be redeemed to obtain a discount on the price of at least one good (col 14, line 50-col 15, line 5).

Claim 3, 6, 13, 16, 23, 26: Goldhaber and Gardenswartz disclose the method of claim 1. Goldhaber further discloses that said predetermined condition comprises responding to a survey on said Website or interacting with material presented on said Website (col 23, lines 1-5).

Claim 4, 14, 24: Goldhaber and Gardenswartz disclose the method of claim 1. Goldhaber further discloses audio content capabilities (col 24, lines 59-65) and presentations in different formats (col 5, lines 7-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Goldhaber's presentations to the user can be in audio format. One would have been motivated to do this in order to present the content in a format desirable to the user.

Claim 7- 9, 17-19, 27-29: Goldhaber and Gardenswartz disclose the method of claim 1. Goldhaber further discloses content that can be audiovisual or audio (col 1, lines 50-61) and that that content can be charged for access to (col 1, lines 55-61). Goldhaber further discloses that the user can be rewarded with cash or credit (col 7, lines 49-55). Goldhaber further discloses that the user device is capable of presenting audio and video (24, lines 59-67). Goldhaber further discloses the utilization of games (col 5, lines 33-36; col 7, lines 55-61).

Gardenswartz discloses that credit can be redeemed for a wide range of goods or services (col 14, line 50-col 15, line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Gardenswartz's credit can be utilized for accessing audio or audiovisual or for accessing games. One would have been motivated to do this in order to provide a purpose for the reward credits that is attractive to the user.

4. Claim 5, 15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (5,794,210) in view of Gardenswartz (6,055,573) and further in view of Eggleston (6,061,660).

Claim 5, 15, 25: Goldhaber and Gardenswartz disclose the method of claim 1.

Goldhaber further discloses a test for the user (col 23, lines 1-5).

Goldhaber does not explicitly disclose testing a software product.

Eggleston discloses rewarding the user for certain activities including viewing advertising and testing a product and online testing (col 1, lines 16-47; col 31, lines 43-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Goldhaber's rewarding a user for different activities can include testing a software product. One would have been motivated to do this in order to provide valuable feedback to the sponsoring or advertising companies.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Angles (6,933,811) discloses rewarding a user for certain activities;
- b. Hoffman (6,012,039) discloses rewarding a user with telephone minutes for certain activities
- c. Ng (6,405,175) discloses rewarding a user with telephone minutes for certain activities.
- d. Dedrick (5,724,521) discloses rewarding a user for certain activities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Arthur Duran/
Primary Examiner, Art Unit 3622
9/26/07